

SCOTT N. SCHOOLS (SCSBN 9990)  
United States Attorney

MARK KROTOSKI, (CASBN 138549)  
Chief, Criminal Division

BRYAN R. WHITTAKER (TXSBN 24047097)  
Special Assistant United States Attorney

1301 Clay Street, Suite 340S  
Oakland, California 94612  
Telephone: (510) 637-3740  
Facsimile: (510) 637-3724  
E-mail: bryan.whittaker@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	Case No. 07-70198 WDB
Plaintiff,	)	
v.	)	<del>[PROPOSED]</del> ORDER GRANTING
	)	STIPULATION TO WAIVE TIME UNDER
SANUARIO MONTOYA-ORTIZ,	)	SPEEDY TRIAL CLOCK AND FOR
	)	PRELIMINARY HEARING
	)	Date: May 15, 2007
Defendant.	)	Time: 10:00 a.m.
	)	Before the Honorable Wayne D. Brazil

**~~[PROPOSED]~~ ORDER**

Pursuant to Fed. R. Crim. P. 5.1(d) and 18 U.S.C. § 3161(h)(8), the parties in this matter filed a Stipulation to Waive Time Under Speedy Trial Clock and For Preliminary Hearing ("Stipulation") seeking to waive and extend the time for the preliminary hearing and to exclude the time between May 15, 2007 and June 6, 2007 from the Speedy Trial Clock. For the reasons set forth in the parties' Stipulation and for good cause appearing,

**IT IS HEREBY ORDERED** that the period of time between May 15, 2007 and June 6, 2007 is excluded from the Speedy Trial Clock to allow counsel to effectively prepare, taking into

1 account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The Court finds that the  
2 “ends of justice served by the granting of such continuance outweigh[s] the best interests of the  
3 public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(8)(A). Accordingly, the  
4 preliminary hearing is now scheduled for June 6, 2007 at 10:00 a.m.

5 DATED: May 14, 2007

